

Reply to Office Action dated October 27, 2009

### **REMARKS**

Claims 1-6, 11-16, 18-23, 26-29 and 32-35 are pending in the application. By this Amendment, claims 1, 11 and 22 are amended. Various amendments may be made for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for appeal, should an appeal be necessary. The above amendments are merely for clarity of previously-claimed subject matter. The filing of the verified translation is based on a newly-cited reference. Entry is thus proper under 37 C.F.R. §1.116.

The Office Action rejects claims 1-6, 11-16, 18-23, 26-29 and 32-35 under 35 U.S.C. §112, second paragraph. It is respectfully submitted that the above amendments obviate the grounds for rejection. Withdrawal of the rejection is respectfully requested. Should any further minor amendments be necessary, Examiner Roberts is requested to contact applicant's undersigned attorney by telephone.

The Office Action rejects claims 1-6, 11-16, 18-23, 26-29 and 32-35 under 35 U.S.C. §103(a) over ETSI TS 125 322 version 5.1.0 (2002-06) (hereafter ETSI) in view of newly-cited U.S. Patent No. 7,085,540 to Cao et al. (hereafter Cao). The rejection is respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving data units having serial numbers lying in a range of a receiving window, wherein the data units corresponding to an initial window size, setting

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window size control information based on a state of a receiving buffer that corresponds to the receiving window, transmitting the set window size control information from a receiver to a transmitter, and varying a transmitting window size of the transmitter according to the transmitted window size control information. Independent claim 1 also recites that the receiving, the setting, the transmitting, and the varying includes: checking whether data units more than a predetermined value remain in the receiving buffer, when data units more than the predetermined value do not remain in the receiving buffer, setting a window size downward setting information as the window size control information, and receiving data units corresponding to a downward set window size according to the window size downward setting information. Independent claim 1 also recites checking whether a predetermined margin for receiving the data units exists in the receiving buffer, when the predetermined margin does not exist in the receiving buffer, setting a window size maintaining information as the window size control information, and when the predetermined margin exists in the receiving buffer, setting a window size upward setting information as the window size control information.

The applied references do not teach or suggest all the features of independent claim 1. More specifically, the Office Action (on page 5) states that ETSI does not teach setting window size control information based on a state of a receiving buffer that corresponds to the receiving window as well as the specifically claimed features relating to setting the window size control information.

The Office Action then relies on Cao's col. 3, line 40-col. 4, line 15 for the missing features. However, Cao is not prior art to the present application under 35 U.S.C. §102(e). More

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specifically, the present application claims priority from Korean Patent Application 10-2002-54047 filed on September 7, 2002. A verified English-language translation of the Korean priority document is attached. It is respectfully submitted that the pending claims are supported by the priority document.

The Korean priority document predates Cao's October 9, 2003 filing date. Therefore, Cao is not prior art to the present application under 35 U.S.C. §102(e).

In view of the above, the applied references do not teach or suggest all the features of independent claim 1. Independent claim 1 therefore defines patentable subject matter.

Independent claim 11 recites that window size update information is transmitted from a receiving entity to a transmitting entity, wherein acknowledgment information is transmitted simultaneously with the window size update information, the acknowledgment information controlling transmission of additional data units from the transmitting entity to the receiving entity, transmission of the additional data units controlled based on the window size update information. Independent claim 11 also recites that a window size control information is set to one of window size upward setting information, window size maintaining information and window size downward setting information based on a state of a receiving buffer that corresponds to a receiving window.

The applied references do not teach or suggest at least these features of independent claim 11. More specifically, the Office Action (on page 8) states that ETSI does not teach transmitting window size control information from a receiver to a transmitter based on a state of

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a receiving buffer (or processing speed by the receiver of data units stored in a receiving buffer) wherein the window size control information includes a window size upward setting information, window size maintaining information, and window size downward setting information.

The Office Action then cites Cao for the missing features of independent claim 11. However, as discussed above, Cao is not prior art to the pending claims.

In view of the above, the applied (prior art) references do not teach or suggest all the features of independent claim 11. Thus, independent claim 11 defines patentable subject matter.

Independent claim 22 recites receiving one or more protocol data units (PDUs) from a transmitting radio link control (RLC) entity, checking a state of a receiving buffer for storing the one or more PDUs, and transmitting window size control information to the transmitting RLC according to a state of the receiving buffer, the window size control information to vary a transmitting window size of the transmitting RLC entity for transmitting additional PDUs to be stored in the receiving buffer. Independent claim 22 also recites that acknowledgment information is transmitted simultaneously with the window size control information, the acknowledgment information controlling transmission of said additional PDUs based on the varied transmitting window size. Still further, independent claim 22 recites that the window size control information is set to one of window size upward setting information, window size maintaining information and window size downward setting information based on a state of the receiving buffer that corresponds to a receiving window.

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The applied references do not teach or suggest all the features of independent claim 22. More specifically, the Office Action (on page 10) states that ETSI does not teach checking a state of a receiving buffer or setting the window size control information level is set to one of window size upward setting information, window size maintaining information and window size downward setting information based on a state of a receiving buffer that corresponds to the receiving window.

The Office Action cites Cao for the missing features of independent claim 22. However, as discussed above, Cao is not prior art to the pending claims.

In view of the above, the applied (prior art) references do not teach or suggest all the features of independent claim 22. Thus, independent claim 22 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 11 and 22 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-6, 11-23, 26-29 and 32-38 are earnestly solicited. If the Examiner believes that any additional changes would place

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the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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Attachment: Verified English-language Translation

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**Date: January 13, 2010**

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